



WESTFIELD-WASHINGTON
BOARD OF ZONING APPEALS

April 14, 2015
1504-VS-06
Exhibit 1

Petition Number: 1504-VS-06

Subject Site Address: 16674 Greensboro Drive (the "Property")

Petitioner: Shawn Lancaster (the "Petitioner")

Request: The petitioner is requesting a Variance of Standard from the Unified Development Ordinance (the "UDO") for the property commonly known as 16674 Greensboro Drive, Westfield, Indiana 46074. The request is for a reduction in the Rear Yard Minimum Building Setback Line in the SF3: Single-Family Medium Density Cluster District (Article 4.6(E)(3)).

Current Zoning: SF3: Single-Family Medium Density Cluster District

Current Land Use: Residential

Approximate Acreage: 0.14 acres

Exhibits:

1. Staff Report
2. Location Map
3. Existing Conditions Exhibit
4. Site Plan Exhibit
5. Proposed Addition Exhibit

Staff Reviewer: Jesse M. Pohlman, Senior Planner

Petition History

This petition will receive a public hearing at the April 14, 2015, Board of Zoning Appeals meeting.

Analysis

Location: The subject property is 0.14 acres +/- in size and located at 16674 Greensboro Drive in the Countryside subdivision (see [Exhibit 2](#)). The Property is zoned the SF3: Single-Family Medium Density Cluster District, which is subject to the rear yard setback of the SF3: Single-Family Medium Density District. The Property currently contains a single family home (see [Exhibit 3](#)). The surrounding properties include other single family homes in the Countryside subdivision. A common area that includes an existing pond abuts the rear lot line.

Variance Request: The Petitioner is requesting this variance to allow the construction of a proposed home addition to the rear of the home, as generally illustrated on the Site Plan Exhibit (see [Exhibit 4](#)).

The standard for the Minimum Building Setback Line for the Rear Yard is thirty (30) feet (Article 4.6(E)(3)). The home currently has a rear yard setback of approximately 35.6 feet +/- . The Petitioner is requesting a rear yard setback of twenty-three (23) feet to accommodate the proposed 26'-5" wide by 12'-6" deep home addition. The addition is proposed to be similar in quality and character as other additions in the Countryside subdivision as depicted in the Proposed Addition Exhibit (see [Exhibit 5](#)).



Comprehensive Plan: The Westfield-Washington Township Comprehensive Plan identifies this Property within the “Suburban Residential”¹ land use classification. Among other uses, the Comprehensive Plan² notes this area of the township includes a variety of housing types, including subdivisions, at a variety of densities, along with recreational uses.

The Comprehensive Plan notes the basic policy of this area is to preserve and protect the stability and integrity of the area as it fills to consist primarily of single-family residences. Other policies include: (i) ensure that infill development is compatible in mass, scale, density, materials, and architectural style to existing development; (ii) promote the protection of the existing suburban character of the area; (iii) encourage only compatible infill development on vacant parcels in existing neighborhoods as a means of avoiding sprawl; and (iv) new development should be permitted only upon a demonstration that it will not alter the character of the area, and will not generate negative land use impacts.

Procedural

Public Notice: The Board of Zoning Appeals is required to hold a public hearing on its consideration of a Variance of Development Standard. This petition is scheduled to receive its public hearing at the April 14, 2015, Board of Zoning Appeals meeting. Notice of the public hearing was properly advertised in accordance with Indiana law and the Board of Zoning Appeals’ Rules of Procedure.

Conditions: The UDO³ and Indiana law provide that the Board of Zoning Appeals may impose reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the UDO upon any Lot benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject Lot or upon public facilities and services. Such conditions shall be expressly set forth in the order granting the variance.

Acknowledgement of Variance: If the Board of Zoning Appeals approves this petition, then the UDO⁴ requires that the approval of the variance shall be memorialized in an acknowledgement of variance instrument prepared by the Department. The acknowledgement shall: (i) specify the granted variance and any commitments made or conditions imposed in granting of the variance; (ii) be signed by the Director, Property Owner and Applicant (if Applicant is different than Property Owner); and (iii) be recorded against the subject property in the Office of the Recorder of Hamilton County, Indiana. A copy of the recorded acknowledgement shall be provided to the Department prior to the issuance of any subsequent permit or commencement of uses pursuant to the granted variance.

¹ Westfield-Washington Township Comprehensive Plan, Land Use Concept Map (pg. 24).

² Westfield-Washington Township Comprehensive Plan, Suburban Residential (pg. 38).

³ Article 10.14(I) Processes and Permits; Variances; Conditions of the UDO.

⁴ Article 10.14(K) Processes and Permits; Variances; Acknowledgement of Variance of the UDO.



Variances of Development Standard: The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Indiana Code § 36-7-4-918.5 only upon a determination in writing that:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.

Department Comments

If the Board is inclined to approve the variance, then the Department recommends the following findings:

Recommended Findings for Approval:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

Finding: It is unlikely that approving the requested variance(s) would be injurious to the public health, safety, morals, and general welfare of the community because the SF3 District permits the proposed residential use and the resulting improvements and parcel will otherwise comply with or exceed the applicable standards of the SF3 District.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

Finding: It is unlikely the use and value of adjacent property will be affected in a substantially adverse manner. The proposed variance should not have a negative impact on surrounding properties because: (i) the proposed improvement will enhance the value of the subject property; (ii) the rear yard abuts a common area; (iii) the parcel will otherwise comply with or exceed the applicable standards of the SF3 District; and (iv) the approval of the variance will allow for the continued use and improvement of the Property in a manner substantially consistent with the quality and character of the surrounding area and Comprehensive Plan.

3. *The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property.*

Finding: Strict adherence to the zoning ordinance would result in the inability to improve the Property, as proposed, in accordance with the Unified Development Ordinance. The use is permitted by the Unified Development Ordinance and the proposed improvements and parcel would otherwise be permitted and comply with the Unified Development Ordinance.